

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division

ROBERT BOGATITUS, INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS SIMILARLY
SITUATED,

Plaintiff,

vs.

COMMONWEALTH BANKSHARES, EDWARD J.
WOODARD, JR., CYNTHIA A. SABOL, STEPHEN
G. FIELDS, SIMON HOUNSLOW, TROY
BRANDON WOODARD, CHRIS E. BEISEL,
MORTON GOLDMEIER, E. CARLTON BOWYER,
Ph.D., THOMAS W. MOSS JR., HERBERT PERLIN,
KENNETH YOUNG, AND WILLIAM D. PAYNE,

Defendants.

CASE NO.: 2:13-cv-00032-AWA-DEM

**NOTICE OF VOLUNTARY
DISMISSAL WITHOUT
PREJUDICE PURSUANT TO FED.
R. CIV. P. 41(a)(1)(A)**

NOTICE IS HEREBY GIVEN that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), Plaintiff Robert Bogatitus hereby voluntarily dismisses the above-captioned action, without prejudice as to all defendants. As grounds therefor, Plaintiff states that: (1) no defendant has filed an answer or a motion for summary judgment; (2) this dismissal will not bind or prejudice any party or member of the putative class; and (3) a similar action is pending in this Court, entitled *Masterson v. Commonwealth Bankshares, et al.*, 2:13-cv-00062-MSD-DEM.

Dated: February 8, 2013

Respectfully submitted,

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TOLL PLLC**

/s/ Elizabeth Aniskevich

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